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General Assembly

Official Records

Disarmament Commission

265th meeting

Friday, 23 April 2004, 11 a.m.

New York

President: Mr. Adamia ..... (Georgia)

The meeting was called to order at 10.50 a.m.

Report of the Disarmament Commission to the General Assembly at its fifty-ninth session

The Chairman: The draft report (A/CN.10/2004/CRP.2) has been circulated in all languages, as agreed.

Mr. Prasad (India): On behalf of my delegation, I compliment you, Sir, on your work as Chairman of the current session of the United Nations Disarmament Commission. This task has been far from easy for you and the members of the Bureau, not because of any lack of exertion, but, regrettably, because we have been unable to arrive at a consensus on our agenda. Consequently, we have neither commenced the general debate in a substantive way nor done any substantive work on an agenda, which remains undecided. I would like to assure you, Mr. Chairman, of the constructive cooperation of my delegation in seeking a solution to the present impasse, hopefully at the next session of the Disarmament Commission, if not before it.

Under-Secretary-General Abe presaged some of our difficulties in his opening remarks some three weeks ago. He also cautioned that to deal with the so-called crisis facing the multilateral system of disarmament, the correct response would be not to discard that system, but to strengthen it. He also implicitly warned that no institution working in this area, including the Disarmament Commission, could be complacent in this regard, for that would weaken the multilateral system as a whole.

We have a stake in the success of the established multilateral institutions, whose erosion would only create space for more exclusivist approaches. Hastening that process would not be in our collective interest and atrophy of these bodies could have far-reaching implications. The Disarmament Commission has a unique role; it was envisaged by the first special session of the General Assembly on disarmament (SSOD-I) as one part of the triad of global disarmament machinery, as the only body with universal membership that could engage in in-depth deliberations on relevant issues. India therefore attaches importance to the work of the Disarmament Commission and believes that it has continuing relevance and can contribute further to the process of disarmament.

The Disarmament Commission has achieved significant results in the past, including on guidelines on confidence-building measures, arms transfer and verification. SSOD-I, by consensus, laid the basis for an international disarmament strategy in which the Disarmament Commission was given a clear role. It was entrusted with the task of conducting deliberations and submitting recommendations to the General Assembly and, through it, to the negotiating body, the present-day Conference on Disarmament. Thus, the task of the Disarmament Commission is to prepare the ground for and to expedite disarmament negotiations by elaborating a general approach to such negotiations.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

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Notwithstanding the current impasse, there is an abiding sense that this must give way to meaningful and productive work. India has shown considerable flexibility in the Conference on Disarmament in Geneva to agree on a programme of work that is balanced and comprehensive. Likewise, we remain committed to the work of the Disarmament Commission.

It is our firm belief that multilateralism is the core principle of the process of disarmament and non-proliferation. Multilateral disarmament institutions can work if all stakeholders demonstrate their commitment through a flexible approach that contributes to commencing our substantive work. In that context, it is important that the agenda of the Disarmament Commission reflect the concerns and priorities of all Member States. For its part, India attaches importance to nuclear disarmament, which is consistent with its national policy and that of the Non-Aligned Movement (NAM), as expressed in the Final Document of the Kuala Lumpur summit.

Specifically on the agenda and the proposals before us, we believe the NAM proposals are flexible and wide enough to encompass different perspectives. For instance, in setting the agenda on item 1, on nuclear disarmament, we do not have to revisit all debates between horizontal and vertical proliferation. Those were effectively settled under SSOD-I.

India believes that the threat of terrorism and weapons of mass destruction coming together is a real one, and is clearly an issue of the highest priority for the international community. But there is no need to spell this out in all its specificity in the agenda. In any case, discussions in the Disarmament Commission have real value only when there is a consensus at their end. We could deal with the issue of interpretations and scope of the agenda during the course of our actual work. We therefore hope that delegations will reflect on how the Disarmament Commission can make its contribution and will act in a spirit of flexibility, both individually and as groups, so as to facilitate a consensus in this body.

Mr. Bouchaara (Morocco) (*spoke in French*): As this is the last time my delegation will speak at this session, I wish to thank you, Mr. Chairman, for your efforts and patience throughout the session. You have made a worthy contribution. I also wish to reiterate my delegation's support for the consultations that will take place between now and the organizational session next November. I hope that between now and then we will achieve an outcome that is acceptable to all. I wish to reiterate once again my delegation's readiness to participate constructively in those consultations.

I have an observation to make regarding paragraph 9 of the draft report and the list of countries that made statements at plenary meetings. I think it would be appropriate for that list to be updated since there were delegations that spoke during the 264th plenary meeting and will speak at the plenary meeting today. My delegation spoke at the 264th plenary meeting and the delegation of India has just spoken. For the report to be complete, I think we should take that into account before adopting it.

The Chairman: I will certainly take into account the observation that the list should be updated.

We will now begin our consideration of the draft report of the Disarmament Commission, as contained in document A/CN.10/2004/CRP.2. We shall consider the draft report chapter by chapter.

Since there are no comments on Chapter I, "Introduction", paragraphs 1 to 3, I shall take it that the Commission wishes to adopt those paragraphs.

Paragraphs 1 to 3 were adopted.

The Chairman: Are there any comments on Chapter II, "Organization and work of the 2004 session", paragraphs 4 to 10?

Mr. Stritt (Switzerland) (*spoke in French*): My delegation has a question about paragraph 7. It is not clear to my delegation what is meant by the words "such consultations did not constitute or create any precedent whatsoever". I would like the Chairman to elaborate on that.

The Chairman: The idea behind those words was to put into the text that the Commission's work at this substantive session, without agreed substantive items, should not set a precedent for the Commission's future work.

Mr. Flores (Peru) (*spoke in Spanish*): First, I wish to thank you, Mr. Chairman, for your efforts. As a member of the Bureau, I am personally familiar with all our efforts to try to reach consensus, which, unfortunately, we have not been able to do. However, I wish to take this opportunity to officially thank you for

your efforts, particularly for providing us with the report in all languages.

Ms. Murnaghan (Ireland): With respect to paragraph 10, we would like to recall that we made an amendment to that paragraph, which we presume will be adopted.

The Chairman: Yes, the following will be added at the end of paragraph 10: "There was no consensus in the Commission on the proposal to adjourn the session". We will also amend paragraph 9, as requested by delegations which took the floor at Wednesday's meeting and at today's meeting.

If I hear no objection, that sentence will be added to the text.

If there are no further comments, I shall take it that the Commission wishes to adopt Chapter II, paragraphs 4 to 10 as amended.

Paragraphs 4 to 10, as amended, were adopted.

The Chairman: Since there are no comments on Chapter III, "Documentation", paragraphs 11 and 12, I shall take it that the Commission wishes to adopt those paragraphs.

Paragraphs 11 and 12 were adopted.

The Chairman: Since there are no comments on Chapter IV, "Conclusions and Recommendations", paragraphs 13 to 15, I shall it take it that the Commission wishes to adopt those paragraphs.

Paragraphs 13 to 15 were adopted.

Mr. Liebowitz (United States of America): I hesitate to interrupt, Mr. Chairman, but we never discussed the annex. I am not quite how you decided what should be taken from the four proposals and included in the annex, where the United States proposal is not taken up fully. I would be prepared to accept either the full reproduction of all the proposals or their deletion, since they are all referred to in Chapter III.B. Either of those alternatives, I think, would be more satisfactory than how the annex reads now.

The Chairman: The idea of presenting the annex this way was to reflect what had been in paragraphs 8, 9 and 10 of the earlier draft. However, if the delegation of the United States so wishes, we could include all of document A/CN.10/2004/CRP.5 in the annex. Would that solve the problem?

Mr. Liebowitz (United States of America): The main point is that we made an earlier proposal that the Commission should consider how to revitalize its work, and that is not reflected there; it is reflected in this conference room paper. I think all proposals ought to be treated equally; however you want to do that, Mr. Chairman, is fine with me.

The Chairman: As I said, we will include all of document A/CN.10/2004/CRP.5 in the annex. Are there any objections or comments? I see none.

Having adopted all paragraphs of the report, the Commission will now take up the draft report as a whole.

May I take it that it is the wish of the Disarmament Commission to adopt the draft report contained in document A/CN.10/2004/CRP.2, as amended, as a whole?

The draft report, as amended, was adopted.

Concluding statements

Mr. Liebowitz (United States of America): I would like first to thank you, Mr. Chairman, and all others who worked hard to try to reach a consensus on the agenda items. I think that that goal was within our reach, and I regret that we were not able to attain it. I believe there was a good-faith effort on the part of all participants to do so, but unfortunately we were not able to develop a consensus agenda.

We believe that the failure to do so underscores the wisdom of our proposal — to which we, in fact, just referred — that the Disarmament Commission set aside one session to consider why it has failed to achieve positive agreed results for some time now — since 2000, I believe. I would also like to point out that the small number of countries participating, and the lack of participation by many, may reflect a lack of interest, perhaps occasioned by the fact that we do not seem to be dealing with truly substantive issues at this time. I hope that that can be remedied. We will have to look carefully at how we want to proceed further.

I thank you again, Mr. Chairman, for the patience and consideration you have shown towards all members of the Commission.

Mr. Percaya (Indonesia): On behalf of the Non-Aligned Movement (NAM), I would like to thank you, Sir, for chairing one of the most difficult sessions of

the Disarmament Commission and for your tireless efforts to arrive at an agreed substantive agenda. Our appreciation also goes to the Secretariat for preparing the report and for all the assistance it has provided to us. Once again, I would like to emphasize that NAM remains committed to the work of the Commission and believes that the Commission plays an important role in the international disarmament machinery.

Regrettably, we have not been able to arrive at an agreed substantive agenda. Although the gap of differences proved to be too wide to breach, it is at least encouraging that each delegation claimed to have shown flexibility. In that regard, I would like to reiterate once again that NAM is willing to continue to strive, through this exercise, to arrive at an agreed substantive agenda.

In conclusion, I should like once again to thank you, Mr. Chairman; the Secretariat, including the interpreters; and all the rest of my colleagues who have participated in this exercise.

Mr. Hu Xiaodi (China) (*spoke in Chinese*): During this session of the Disarmament Commission, agreement was not reached on a substantive agenda, and the Chinese delegation expresses its regret in that regard. Despite that fact, all sides devote attention to the Commission and attach importance to it.

In the past, the Disarmament Commission has played a useful role in deliberations on the relevant disarmament issues. Even in the current circumstances, the Commission remains relevant. China attaches importance to the Disarmament Commission and has consistently participated in its meetings and consultations in a constructive spirit. We hope that all sides will continue their efforts to promote early agreement on the substantive agenda of the Disarmament Commission so that subsequent work can be done. The Chinese delegation will continue to participate in the discussions so that substantive progress can be made in the Commission's work.

Mr. Chairman, you have made a tremendous effort to bridge differences and to make progress in the work of the Disarmament Commission. You deserve our thanks and appreciation. The Chinese delegation would also like to express its appreciation to the Under-Secretary-General for Disarmament Affairs, Mr. Abe, the Secretariat and all the interpreters and other staff members for their help.

Mr. Issa (Egypt) (*spoke in Arabic*): My delegation would like to extend to you, Mr. Chairman, our thanks and appreciation for the patience and perseverance you have shown throughout the last 10 weeks in your efforts to forge agreement on the substantive agenda items that should have been considered at this session. We fully understand the difficulty of the task you assumed. Therefore, our appreciation for your efforts is twofold: at both the professional and personal levels. We also extend our thanks to the Secretariat, the Department for Disarmament Affairs, Under-Secretary-General Nobuyasu Abe and the staff of the Department for General Assembly and Conference Management. I also thank Mr. Timur Alasaniya, the Secretary of the Disarmament Commission; my positive experience of his expertise in this area goes back to 1995, when I occupied the position of Rapporteur of the Disarmament Commission.

My delegation regrets that the Disarmament Commission was unable to make progress on the substantive agenda items this year. That lack of progress reflects the deep differences among members of the international community concerning both the nature of the security challenges facing our world today and the role of multilateralism in dealing with those issues.

The countries of the Non-Aligned Movement, including Egypt, have a clear position with respect to that divide, which essentially revolves around the issue of nuclear disarmament; it is one of the main issues and most important security challenges of our time, equal to any new challenge we face. We fully believe that multilateral international efforts are the only legitimate course of action for collective policies and proposals in this area.

The division separating countries' positions became very clear to my delegation at the 2003 substantive session of the Disarmament Commission, and my delegation noted it this year as well. Thus, it was my delegation's preference not to use this year's substantive session to attempt to reach agreement on the substantive agenda items, in order to preserve the credibility of the Commission's work. However, that idea did not gain a positive response from some members of the Commission.

In conclusion, my delegation would like to emphasize its readiness to continue to cooperate in

order to hold a constructive substantive session of the Disarmament Commission in 2005. We hope that all parties will have the necessary flexibility and an understanding that consensus requires mutual concessions. If not, the Commission will fail.

Ms. Murnaghan (Ireland): I have the honour to speak on behalf of the European Union (EU). The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria and Romania, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia and Montenegro and the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

The EU must express its deep disappointment that the Disarmament Commission has been unable to reach agreement on substantive agenda items for the current cycle. We regret that the flexibility shown by delegations in the lead-up to, and in the earlier part of, the session was not, in the end, sufficient to produce results. We regret that because the European Union was among the first to submit proposals for new agenda items for the current cycle and has throughout indicated its flexibility and its willingness to compromise in the search for a consensus outcome. That was demonstrated by the fact that we were prepared, in a spirit of compromise, to accept the Chairman's proposals of 12 April, although they were far from the EU's original proposals.

While the EU continues to support the Disarmament Commission, we believe that the failure to reach consensus on agenda items this year has rendered a disservice to the Commission. It also shows the relevance of discussing efforts to enhance the work and the working methods of the Disarmament Commission.

This year has been a setback for the Disarmament Commission, since we will have to continue our efforts to agree on substantive items as soon as possible. Early agreement on agenda items and an early election of the chairpersons of the working groups would allow substantive preparation of the next session of the Disarmament Commission.

As we close this session of the Disarmament Commission, the EU would like to thank you, Mr. Chairman, for your personal expenditure of time and energy in guiding our deliberations. You have pursued the search for consensus with admirable determination. The EU would also like to express its appreciation to the Commission's Secretary, Mr. Timur Alasaniya, for his advice throughout the session and to the staff of the Department for Disarmament Affairs and the Department for General Assembly and Conference Management, without whom it would be impossible for us to meet. We wish to include in these thanks a special mention for our interpreters and conference service staff, who have accommodated themselves to our rather fragmented work schedule over the course of the session.

Mr. Gala López (Cuba) (*spoke in Spanish*): We very much appreciate the good-faith efforts that were made to reach a compromise solution with respect to the themes of the substantive agenda of the Disarmament Commission. It is deeply regrettable that we were unable to reach agreement in the initial phase early in this session. It should be recalled that one factor blocking that consensus before 5 April was the fact that, in our opinion, certain proposed themes failed to meet the criteria laid out in General Assembly decision 52/492, in which it is clearly stated that one of the two themes of the Commission's substantive agenda must be nuclear disarmament.

Moreover, one proposal asked us to consider only one theme, linked to the Commission's working methods. Within the Non-Aligned Movement, a group that is resolutely multilateralist in approach, my delegation was among those opposed to that proposal. Hence, we reject the suggestion that the Disarmament Commission cannot be efficient so long as its current working methods remain unchanged. We believe that no change in those methods could overcome the well-known and regrettable difficulties with respect to the political will to achieve progress within a multilateral approach to disarmament.

Cuba is not opposed to any exercise aimed at optimising the work of any body of the United Nations, including this one. That cannot be done, however, by eschewing the consideration of genuinely substantive themes. Furthermore, we must not forget that, before 5 April, the Non-Aligned Movement showed great flexibility in presenting a proposal that received the explicit support of other delegations. In our opinion,

that alternative proposal represented a realistic compromise.

We have all seen how, at this session of the Commission, delegations had to devote themselves to seeking agreement on the themes to be included on the substantive agenda. As a result, there has been no general debate and we have been unable to establish the appropriate working groups. We have today come to the formal end of this session without having been able to reach agreement. My delegation reiterates its willingness to maintain a constructive attitude in informal consultations that may take place in the coming months. In that respect, every effort should be made to reach a consensus as soon as possible on the agenda items so that we can hold a real substantive session of the Disarmament Commission in 2005. That will be crucial if we truly wish to prevent the Commission from succumbing to a prolonged paralysis such as that which, unfortunately, is gripping the Conference on Disarmament.

Our position has been and shall continue to be consistent with the spirit and the letter of decision 52/492 and pertinent resolutions of the General Assembly. We shall also continue, in a practical way, to demonstrate our genuine commitment to multilateralism in the field of disarmament, arms control and non-proliferation. In that connection, I reaffirm once again the importance of the Disarmament Commission as the sole specialized forum for debate within the multilateral disarmament machinery in the United Nations system.

Finally, we thank you, Sir, and the other members of the Bureau, as well as the Secretariat and, in particular, the Departments for Disarmament Affairs and General Assembly and Conference Management. We also thank the translators and interpreters for their efforts.

Mr. Lew (Republic of Korea): First of all, my delegation would like to express our sincere gratitude and appreciation, Sir, for your tireless and dedicated efforts to put the Disarmament Commission into proper order.

However, despite your hard efforts and leadership, we have not been able to reach a consensus on the substantive agenda items for this and the next two years of the Disarmament Commission's deliberations. This is of great regret to my delegation. We really wish that we all could have agreed on substantive items during the course of this year and started our discussions promptly on those substantive items for next year, without engaging any more in a consuming and wasteful process of consultations for adopting the agenda items.

My delegation would like to reiterate our position in stressing once again the importance of the Disarmament Commission and in recognizing its valuable contributions in the disarmament and non-proliferation field since its foundation. We are of the view that nobody will want to see the Disarmament Commission follow the precedent of the Conference on Disarmament.

Although it is our sincere wish that all disarmament machineries of the United Nations should function properly, according to their respective mandates, in the current situation that we face today we believe that our concerted efforts should be focused on preventing the Commission from being stalemated. In that regard, we call upon those delegations that have presented their proposals on substantive agenda items in the spirit of compromise and cooperation to show more flexibility and reach a consensus as soon as possible.

Mrs. Pham Thi Nga (Viet Nam): On behalf of the Group of Asian States, I would like to express our sincere thanks to you, Sir, and through you to the Bureau for your tireless efforts at the 2004 session of the Disarmament Commission.

Although the Group deeply regrets that the Commission has not achieved consensus on the substantive agenda items in 2004, we strongly believe that, with the sincere efforts of all Commission members, the next session will conclude with a successful outcome. The Group wishes to reiterate at this stage its full support for and cooperation with the work of the Disarmament Commission and of the United Nations disarmament machinery.

Ms. Rastovac (Serbia and Montenegro): I am taking the floor on behalf of the Eastern European Group. I should like to take this opportunity to thank you, Sir, for all your efforts and patience in guiding our discussion. Regrettably, we were unable to reach consensus on the substantive agenda items for the next three years. I would also like to thank the Under-Secretary-General for Disarmament Affairs, the Secretary of the Commission and other staff members of the Department for Disarmament Affairs and of the

Department for General Assembly and Conference Management.

The Chairman: Before I bring this meeting to an end, allow me to express, first, my gratitude to all delegations for their constructive spirit and for the support they extended to me and to the other members of the Bureau. We were not able to achieve consensus during this session or in previous deliberations in the informal consultations, but I am still very grateful to all members for their work and spirit. Unfortunately, we were not able to achieve consensus this year; I hope that we will do that in coming years.

I also want to thank members of the Bureau, who helped me shoulder the responsibility of running the Commission session smoothly. I am particularly thankful to them. In that context, I wish to express special gratitude to Ms. Philomena Murnaghan and Ms. Gabriela Martinic for their tireless efforts and their unfailing support of my work. I wish also to thank the Under-Secretary-General for Disarmament Affairs, Mr. Abe, for his active interest in the work of the Commission and for his invaluable counsel to me, the Bureau and the other delegations. I am very thankful, and want to express my gratitude, to the Secretary of the Commission — Timur, thank you very much for your help and assistance — as well as to staff members of the Department for General Assembly and Conference Management, the Department for Disarmament Affairs, the interpreters, conference officers and document officers. I thank them all.

Closure of the session

The Chairman: I declare closed the 2004 substantive session of the Disarmament Commission.

The meeting rose at 11.45 a.m.